

FILED

FEB 06 2007

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY *[Signature]*

BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)

Nos. 04-1349, 04-2137, 05-1318
06-0594

SCOTT W. SCHLIEVERT,
Bar No. 003188

DISCIPLINARY COMMISSION
REPORT

RESPONDENT.

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on January 12, 2007, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Amended Hearing Officer's Report filed October 23, 2006, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for a six-month and one-day suspension, two years of probation with the State Bar's Law Office Management Assistance Program (LOMAP), the Member Assistance Program (MAP) effective upon the signing of the probation contract, and costs.

Decision

The eight members¹ of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for a six-month and one-day suspension, two years of probation (LOMAP and MAP), effective upon the signing of the probation contract, and costs of these disciplinary proceedings.² The terms of probation are as follows:

¹ Commissioner Katzenberg recused.

² A copy of the Hearing Officer's Report is attached as Exhibit A

Terms of Probation

1 1. Within 30 days upon reinstatement, Respondent shall contact the director of
2 LOMAP and schedule a LOMAP audit. The LOMAP director or designee shall conduct
3 the audit within 60 days thereafter. The director of LOMAP shall develop a probation
4 contract effective for two years from the date the contract is signed, and Respondent shall
5 comply with all recommendations of the LOMAP director or designee.
6

7 2. Respondent shall contact the MAP director within 30 days upon
8 reinstatement and submit to a MAP assessment. Respondent thereafter shall enter into a
9 MAP contract based on recommendations made by the MAP director or designee.

10 3. Respondent shall abide by the Rules of Professional Conduct and the Trust
11 Account Guidelines.

12 4. Respondent shall pay all costs incurred in these disciplinary proceedings,
13 including costs associated with LOMAP and MAP.
14

15 5. In the event that Respondent fails to comply with any of the foregoing
16 conditions, and the State Bar receives information, bar counsel shall file with the Hearing
17 Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The
18 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to
19 determine whether the terms of probation have been violated and if an additional sanction
20 should be imposed. In the event there is an allegation that any of these terms have been
21 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
22
23
24
25
26

clear and convincing evidence.

RESPECTFULLY SUBMITTED this 6th day of February, 2007.

Barbara A. Atwood

Barbara A. Atwood, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 6th day of February, 2007.

Copy of the foregoing mailed
this 6th day of February, 2007, to:

Denice R. Shepherd
Hearing Officer 7Q
2424 East Speedway Boulevard
Tucson, AZ 85719

Scott W. Schlievert
Respondent
21 East Speedway Boulevard
Tucson, AZ 85705-7714

Ariel I. Worth
Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

by: *Grenda Lopez*

/mps